

ORDINANCE NO. 2009 - 564

AN ORDINANCE TO REGULATE USE OF CITY-OWNED SKATEPARKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Chapter 9 of the Raleigh City Code is amended by adding a new section 9-2028 to read as follows:

“Sec. 9-2028.

(a) Definitions.

Except where the context clearly requires otherwise, the words and terms used in this section *shall* have the following meanings:

(1) ***Skatepark.*** A City-owned facility specifically designed, constructed and designated by on-site signage as an area in which persons may engage in skateboarding, in-line skating, and other allowed conveyances. Such facility may include obstacles such as ramps, “half-pipes”, bowls and other structures which may be used in the course of such activities.

(2) The terms “*bicycle*,” “*skateboard*,” “*rollerskates*,” and “*In-line skates*” *shall* have the same definition as set out in Section 9-2027 of the *Code*.

(b) *Skateboards* and *In-line skates* may be used within a *Skatepark*. It *shall* be unlawful to use any other conveyance of any type within a *Skatepark*, including but not limited to, *bicycles* or *rollerskates*, unless the *Skatepark* is specifically designed, constructed and designated by on-site signage with the approval of the Director of Parks and Recreation as an area for the use of other conveyances.

(c) Any person using or riding a *skateboard*, *In-line skates*, or *other allowed conveyance*, in a *Skatepark* or in any Parks & Recreation facility in which a *Skatepark* is located *shall* wear a protective helmet with the chin strap securely fastened under the chin, and protective elbow pads and kneepads. To meet the requirements of this section, the pads and helmet must be in good condition, and the helmet must meet the current standards of the Consumer Product Safety Commission (CPSC), American National Standards Institute (ANSI) or SNELL. Any person using the *Skatepark shall* also wear closed-toe shoes while riding any allowed conveyance.

(d) It *shall* be unlawful for the parent or guardian of any minor child to permit such minor child to use the *Skatepark* in violation of this section.

(e) Prior to first using a *Skatepark*, all persons using or riding a *skateboard*, *In-line skates*, or *other allowed conveyance shall* sign a waiver of liability and indemnity

agreement on a form furnished by the *City*. No person may use or ride a *skateboard, In-line skates, or other allowed conveyance* at a *Skatepark* without having the required waiver and indemnity agreement in force. If a participant is under 18 years of age, the required form *shall* be signed by a parent or legal guardian, and an additional form *shall* be signed by the participant upon reaching the age of 18. The form *shall* apply to each and every use of a *Skatepark* thereafter by the participant; provided that the *City* may, in its discretion, periodically require that a new waiver of liability or indemnity agreement be signed.

(f) Persons using a *Skatepark shall* comply with rules and regulations established by the Director of Parks & Recreation and maintained in the Director's Office. All persons at a *Skatepark shall* obey posted regulatory signs.

(g) Enforcement. Violations of this section shall be deemed infractions pursuant to G.S. 14-4, punishable by a fine of up to \$50.00 and any other costs as prescribed by law. In addition, violations may be addressed through administrative remedies imposed by rule enacted by the Director of Parks and Recreation, including expulsion from the *Skatepark* and the facility in which it is located."

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall become effective upon adoption.

ADOPTED: April 7, 2009

EFFECTIVE: April 7, 2009

DISTRIBUTION: Department Heads

This ordinance prepared by the Raleigh City Attorney's Office and Parks & Recreation